

Message

From: Kuefler, Patrick [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=39BA544012274DC3BE1FD2616872F16A-PKUEFLER]
Sent: 9/19/2017 8:37:37 PM
To: Korleski, Christopher [korleski.christopher@epa.gov]
Subject: FW: Delaware Attacks Milorganite

Chris – the monitoring vs temperature emphasis that I was referring to was that the new order more precisely says that MMSD did not monitor in compliance with the permit/rules rather than did not meet the temperature requirements of 503. We can see whether or not they met the temperature requirements because they didn't monitor properly. Failure to monitor properly is the more solid violation. Also see Dean's note below. Our AOC did not cause this. Delaware brought this to our attention and asked us to investigate. We coordinated with WI and conducted the investigation.

From: Maraldo, Dean
Sent: Tuesday, September 19, 2017 2:32 PM
To: Kuefler, Patrick <kuefler.patrick@epa.gov>; Bahr, Ryan <bahr.ryan@epa.gov>; Moore, John (Matthew) <moore.johnm@epa.gov>
Cc: Klassman, Debra <klassman.debra@epa.gov>
Subject: Re: Delaware Attacks Milorganite

I wanted to add that I would push back on any talk of "backlash" with respect to our inspection and the proposed AOC. The concerns raised by Delaware in the email below pre date our involvement with MMSD on this issue. In fact, it was Delaware's concerns that prompted us to investigate. Our Order would address the monitoring issues by requiring measurement of product temperature in accordance with 503.

From: Kuefler, Patrick
Sent: Tuesday, September 19, 2017 12:20 PM
To: Maraldo, Dean; Bahr, Ryan; Moore, John (Matthew)
Cc: Klassman, Debra
Subject: FW: Delaware Attacks Milorganite

Dean - I need a short summary of status and when we think the revised AOC can go out also what violations we are keeping in the revised AOC

From: Korleski, Christopher
Sent: Tuesday, September 19, 2017 11:38 AM
To: Kuefler, Patrick <kuefler.patrick@epa.gov>
Subject: FW: Delaware Attacks Milorganite

This is what I referred to this morning. What's the status of our enforcement case?

From: Shafer, Kevin [mailto:KShafer@mmsd.com]
Sent: Tuesday, September 12, 2017 10:27 AM
To: Korleski, Christopher <korleski.christopher@epa.gov>
Subject: FW: Delaware Attacks Milorganite

Chris – see below.

This is the national backlash I discussed with you earlier this summer. From what I have been told by EPA, Milorganite is a safe product. His accusation that we are distributing “off-spec” material is just not correct.

I will call you.

From: Nowicki, Tom
Sent: Monday, September 11, 2017 11:54 AM
To: Anthony, Susan <SAnthony@mmsd.com>; Richard S. Davis <RDavis@bdlaw.com>; 'jslaughter@bdlaw.com' <jslaughter@bdlaw.com>
Cc: Shafer, Kevin <KShafer@mmsd.com>
Subject: Delaware Attacks Milorganite

Brian Churchill in Delaware continues to be on the attack. Please share your opinion regarding how we should respond to the second paragraph of the following email. This comment was to a listserve of state biosolids coordinators.

Thanks.

From: Hegeman, Frederick J - DNR [<mailto:Frederick.Hegeman@wisconsin.gov>]
Sent: Monday, September 11, 2017 11:21 AM
To: Nowicki, Tom <TNowicki@mmsd.com>
Subject: FW: Turf Care Supply Corp. - Distributes Biosolids Containing Fertilizer to all 50 States

FYI

From: Churchill, Brian (DNREC) [<mailto:Brian.Churchill@state.de.us>]
Sent: Monday, September 11, 2017 10:50 AM
To: statecrd@list.state.vt.us
Subject: Turf Care Supply Corp. - Distributes Biosolids Containing Fertilizer to all 50 States

Hello All,

Delaware’s Department of Agriculture notified me that a company known as Turf Care Supply Corp. is distributing products that contains biosolids to Delaware for sale in retail locations. The company does not have a distribution and marketing permit as required by Delaware’s biosolids regulations. I am in process of working with the company to bring them into compliance with Delaware requirements. I just spoke with a representative of their company and he indicated that they distribute biosolids containing fertilizer “to all 50 states”. I wanted to give everyone a heads up in case their product is not properly permitted in your state too. Attached are some of their product labels as submitted to Delaware’s DDA (biosolids is listed as an ingredient at bottom of the guaranteed analysis section). The company’s representative indicated that they receive their biosolids for another party and blend it with other products to produce a biosolids fertilizer. I have little additional information at this point as I am just getting started with the permitting process.

While I have your attention, I wanted to give everyone a brief update on Milwaukee Metropolitan Sewerage District (MMSD). As you may recall from a previous email I sent out to the listserv, MMSD was found to producing and distributing off-spec “Class A” biosolids products (Milorganite) throughout the country. For those of you who may not be aware, EPA inspected the facility a few months ago and is in the process of bringing MMSD into compliance with the 503 regulations. To date, MMSD has not provided me with proof that their product meets Class A requirements and I believe they continue to distribute off-spec material nationally (though not to Delaware anymore).

Thank you

Brian Churchill
Environmental Scientist
Surface Water Discharges Section
Division of Water
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